



PATENT  
Attorney Docket No. 03774.0003-00000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Graham Francois DUIRS ) Group Art Unit: 3767  
)  
Application No.: 09/529,128 ) Examiner: Andrew M. Gilbert  
)  
Filed: June 30, 2000 ) Confirmation No.: 2910  
)  
For: DRUG DELIVERY SYSTEM )  
  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

**TERMINAL DISCLAIMER**

Assignees, Graham Francois DUIRS and Lindsey Alison DUIRS, duly organized under the laws of New Zealand and having their principal place of business at 17 MacFarlane Street, Hamilton, New Zealand, represent that they are the assignees of the entire right, title and interest in and to the above-identified application, Application No. 09/529,128, filed June 30, 2000, for DRUG DELIVERY SYSTEM in the name of Graham Francois DUIRS. Assignees, Graham Francois DUIRS and Lindsey Alison DUIRS, further represent that they are the assignees of the entire right, title and interest in and to U.S. Patent No. 6,770,288, issued on August 3, 2004, as indicated by assignment duly recorded in the United States Patent and Trademark Office (USPTO) at Reel 011240, Frame 0271 on October 17, 2000.

To obviate a double patenting rejection, Assignees hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the

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instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,770,288, issued on August 3, 2004.

Assignees hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignees do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.

If there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Deposit Account 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: May 21, 2007

By: /David W. Hill/  
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